

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

On February 15, 2011, this Court issued an order appointing Dr. Bruce Yanofsky to examine Defendant Manor Marcos Matul-Hernandez to determine whether he is competent to stand trial. ECF No. 18. To accommodate the statutory deadline set forth in 18 U.S.C. §§ 4241(b) and 4247(b), the Court ordered that the psychiatric report be sent to this Court no later than March 14, 2011, and set a hearing for March 17, 2011. *Id.* On February 28, 2011, at Defendant's request, the Court relieved Dr. Yanofsky and appointed a psychiatrist or psychologist at the Metropolitan Correctional Center. ECF No. 19.

On March 14, 2011, Fernando A. Arriola, Warden at the Metropolitan Correction Center (MCC), sent a letter to this Court requesting that the examination period be extended until April 22, 2011 and that the report be provided within seven days after that date. See letter attached as Exhibit A to this Order. In support of the request, Warden Arriola states that Defendant arrived at the MCC on February 23, 2011 but the Bureau of Prisons did not become aware of the Order until March 10, 2011 and did not designate Defendant to the MCC until March 11, 2011. Warden

1 Arriola explains that Defendant is "severely mentally ill" and has "recently agreed to take  
2 psychotropic medication for the treatment of his condition" and the MCC needs more time  
3 because the staff has "seven other court-ordered evaluations that must be completed in the next  
4 thirty days." Id.

5 Section 4247(b) authorizes a court to commit a defendant for an examination pursuant to  
6 section 4241 for a period not to exceed thirty days. 18 U.S.C. § 4247(b). This time period may  
7 be extended for a reasonable time period, not to exceed fifteen days, upon a showing of "good  
8 cause that the additional time is necessary to observe and evaluate the defendant." Id. The  
9 Court finds that Warden Arriola has made the requisite showing.

10 The Court issued its order on February 28, 2011 and Defendant was designated to the MCC  
11 for the examination pursuant to the Court's order on March 11, 2011. This travel/designation  
12 time is excludable under the Speedy Trial Act. 18 U.S.C. § 3161(h)(1)(F). The extended  
13 examination period, therefore, lasts until April 25, 2011. Accordingly, the Court grants the  
14 Warden's request. The Court vacates the competency hearing currently set for March 17, 2011  
15 and resets it for April 21, 2011 at 9:00 a.m. The psychiatric or psychological report must be sent  
16 to all parties by April 19, 2011. The Court finds the additional time excludable under the Speedy  
17 Trial Act. 18 U.S.C. § 3161(h)(1)(A).

18 **IT IS SO ORDERED.**

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20 DATED: March 15, 2011

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22 BARBARA L. MAJOR  
23 United States Magistrate Judge  
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